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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,¹

USA SECURITIES, LLC,²
Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
FIRST OMNIBUS OBJECTION OF
USACM TRUST TO PROOFS OF
CLAIM BASED UPON
INVESTMENT IN THE FIESTA
DEVELOPMENT \$6.6 LOAN; AND
CERTIFICATE OF SERVICE**

Date of Hearing: April 17, 2008
Time of Hearing: 10:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE
FIESTA DEVELOPMENT \$6.6 LOAN BECAUSE THE USACM TRUST**

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 **CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR YOUR**
2 **INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT IMPACT**
3 **YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A**
4 **DIFFERENT LOAN.**

5 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
6 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
7 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
8 **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**
9 **GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

10 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its
11 First Omnibus Objection to Proofs of Claim Based Upon Investment in the Fiesta
12 Development \$6.6 Loan (the "Objection"). Your Proof of Claim number and other
13 information regarding your claim is provided in **Exhibit A**, attached. The USACM
14 Liquidating Trust has requested that this Court enter an order, pursuant to Bankruptcy
15 Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to the extent it is
16 based upon an investment in the Fiesta Development \$6.6 Loan. The Objection will not
17 impact your Claim to the extent it is based upon an investment in a different loan.

18 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
19 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
20 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
21 **April 17, 2008, at the hour of 10:30 a.m.**

22 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 17,**
23 **2008, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
24 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
25 **HEARD ON THAT DATE.**
26

1 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
2 by April 10, 2008 pursuant to Local Rule 3007(b), which states:

3 If an objection to a claim is opposed, a written response must be filed and
4 served on the objecting party at least 5 business days before the scheduled
5 hearing. A response is deemed sufficient if it states that written
6 documentation in support of the proof of claim has already been provided to
the objecting party and that the documentation will be provided at any
evidentiary hearing or trial on the matter.

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this
8 pleading with the Court. You *must* also serve your written response on the person who
9 sent you this notice.

10 If you do not file a written response with the Court, or if you do not serve your
11 written response on the person who sent you this notice, then:

- 12 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
13 • The Court may *rule against you* and sustain the objection without formally
14 calling the matter at the hearing.

15 Dated: March 18, 2008.

16 LEWIS AND ROCA LLP

17 By /s/ Rob Charles (#6593)

18 Susan M. Freeman, AZ 4199 (*pro hac vice*)

19 Rob Charles, NV 6593

20 John C. Hinderaker, AZ 18024 (*pro hac vice*)

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26 Attorneys for the USACM Liquidating Trust

Copy of the foregoing mailed by first class
postage prepaid U.S. Mail on
March 18, 2008 to:

Parties listed on Exhibit A attached.

s/Renee L. Creswell

Renee L. Creswell
Lewis and Roca LLP